

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

RYAN BRESLOW, ALEX FINE, and JON
GORDON,

Plaintiffs,

v.

MARK PHILLIPS and BENJAMIN REED,

Defendants.

Action No.: 23-cv-20727-ALTMAN/Reid

Honorable Roy K. Altman

MOVEMENTDAO and MARK PHILLIPS,

Counterclaim-

Plaintiffs

v.

RYAN BRESLOW, ALEX FINE, and JON
GORDON,

Counterclaim-Defendants

DECLARATION OF CHRISTOPHER T. BERG

I, Christopher T. Berg, make the following declaration based on my personal knowledge:

1. My name is Christopher T. Berg. I am over the age of 18, competent to testify, and have person knowledge of the matters stated herein.

2. I am a partner at the law firm of Ellis George Cipollone O'Brien Annaguey LLP, located at 2121 Avenue of the Stars, 30th Floor, Los Angeles, California 90067, counsel of record for Plaintiffs Ryan Breslow, Alex Fine, and Jon Gordon (collectively, "Plaintiffs").

3. I am a resident of Los Angeles, California.

4. On April 3, 2023, I sent a letter to the Dhillon Law Group, counsel for Defendants, reminding it of its obligations under the Temporary Restraining Order issued on February 28, 2023 (“TRO”) issued in his case and demanding that funds subject to the TRO, and in Dhillon Law Group’s possession, be returned no later than April 5, 2023. A true and correct copy of that letter is attached hereto as **Exhibit A**.

5. Having received no response to my April 3, 2023 letter, I sent an email to Defendants’ counsel on April 5 again asking about their return of TRO-covered funds. A true and correct copy of that email is attached hereto as **Exhibit B**.

6. In response to my April 3 letter, Defendants’ counsel responded via email on April 6 that he would not return the funds at issue but would, instead, “again seek guidance from the Court with respect to those funds.” A true and correct copy of that email exchange is attached hereto as **Exhibit C**.

7. On April 8, 2023, I received a “Cash Accounting” from Defendants’ counsel that purported to account for the assets from the Movement DAO endowment covered by the TRO that were converted to cash. A true and correct copy of this Cash Accounting is attached hereto as **Exhibit D**.

8. On April 17, I received from Defendants’ counsel an email purporting to attach outstanding invoices that, according to Defendants, necessitated an amendment to the TRO. A true and correct copy of this email is attached hereto as **Exhibit E**.

9. One of the invoices provided by Defendants’ counsel on April 17 was from a business entity referred to as “Viciously AB”. A true and correct copy of the “Viciously AB” invoice is attached hereto **Exhibit F**.

10. On April 12, I receive another “Cash Accounting” from Defendants’ counsel that purported to account for the assets from the Movement DAO endowment covered by the TRO that were converted to cash. A true and correct copy of this Cash Accounting is attached hereto as **Exhibit G**.

11. On April 13, I received yet another “Cash Accounting” from Defendants’ counsel that, again, purported to account for the assets from the Movement DAO endowment covered by the TRO that were converted to cash. A true and correct copy of this Cash Accounting is attached hereto as **Exhibit H**.

12. On April 27, 2023, the hearing on Plaintiffs’ request for a preliminary injunction was held. A true and correct copy of excerpts from the rough draft of the hearing transcript are attached hereto as **Exhibit I**.

13. On May 19, 2023, I navigated to the Etherscan page that reflects the DAI transaction history for user “cookieslayer.eth,” which can be found at the following web address: <https://etherscan.io/token/0x6b175474e89094c44da98b954eedeac495271d0f?a=0x57a16a385e86cd215deF121E6887D23Be8080d37>. A true and correct copy of this Etherscan printout is attached hereto as **Exhibit J**.

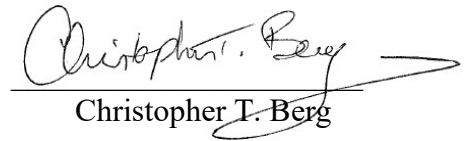
14. On April 17, Defendants’ counsel sent an email requesting a modification of the TRO. A true and correct copy of this email exchange is attached hereto as **Exhibit K**.

15. On March 28, 2023, the initial hearing on Plaintiffs’ request for a preliminary injunction was held before Judge Altman. A true and correct copy of excerpts from the hearing transcript are attached hereto as **Exhibit L**.

16. On May 10, 2023, I sent a letter to Defendants' counsel again demanding that they comply with the TRO and return the \$300,000 by May 15, 2023. Defendants' counsel did not respond. A true and correct copy of this letter is attached hereto as **Exhibit M**.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of May 2023.


Christopher T. Berg